THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 7125 of 2006

Dated: 11.07.2006

Between:

G.D. Kiran Kumar.

..... PETITIONER

AND

The Regional Transport Office,
Mahabubnagar, Mahabubnagar District,
& another.

.....RESPONDENTS

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AND
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WRIT PETITION No: 7125 of 2006

ORDER:- (PER THE HONOURABLE JC,J)

The petitioner is the owner of light motor vehicle bearing No.AP 36V – 1860. Admittedly, the petitioner paid tax up to the quarter ending i.e., 31.12.2004. It is stated so in para 2 of the affidavit filed in support of the writ petition. On 06.12.2005, the petitioner's vehicle was stopped and checked by the 2nd respondent and find the following irregularities.

> "Stopped and checked the above said vehicle while proceeding from Wanaparthy to Bhoopaly (Telkapally Mandal) with 7 passengers found (1) W/o. R.C., No proof of Tax (2) W/o. Permit, (3) W/o. F.C., (4) W/o. I.C., (5) W/o. D.L., Note: As per non payment list last tax paid up to 31.12.2004."

Consequently, the 2nd respondent seized the vehicle. Therefore, the present writ petition is filed with a prayer as follows:

> "…… Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP36 V – 1860 seized under vehicle check report No.1869350, dated 6.12.2005 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith and to pass such other order or orders as this Hon'ble court may be deem fit and proper in the circumstances of the case."

Notice before admission was ordered. Respondents filed a counter. The substance of the counter is that the petitioner did not pay the tax due of the motor vehicle for a period of one full year and plied the vehicle without payment of tax. On the establishment of the above mentioned facts, the petitioner is not only liable for payment of tax for the relevant period, but also a penalty to be determined by the first respondent. It appears that the enquiry is still pending.

Heard the learned Government Pleader.

In the circumstances, we deem it appropriate to dispose of the writ petition at this stage directing the respondents to release the abovementioned vehicle on condition that the petitioner pays the entire amount of tax due as determined by the first respondent and also gives an undertaking before the first respondent not to either alienate or create any encumbrance of the said vehicle during the pendency of the enquiry. The respondents are directed to conduct the enquiry within a period of one month from the date of receipt of a copy of this order and pass appropriate orders in accordance with law. The petitioner is entitled for release of the vehicle as and when he pays the tax indicated above.

The writ petition is, accordingly, disposed of. No order as to costs.

J.CHELAMESWAR, J

D. APPA RAO, J

Date: 11.07.2006

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